

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Edward Clapper

Examiner: Unassigned

Serial No.: 10/017,539

Art Unit:

Filed: December 12, 2001

For: LOCATION DEPENDENT ENCRYPTION  
AND/OR DECRYPTIONBOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION  
AND  
TRAVERSE OF REQUIREMENT THAT APPLICANT REQUEST  
A LATER FILING DATE TO SUBMIT FIGS. 4, 5, AND 6**

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed March 20, 2002, please find enclosed:

- (1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application;
- (2) a check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. § 1.16(e);
- (3) a copy of the Notice to File Missing Parts of Nonprovisional Application; and
- (4) a Preliminary Amendment adding FIGS. 4, 5, and 6.

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**TRAVERSE OF REQUIREMENT THAT APPLICANT REQUEST A LATER FILING DATE TO  
SUBMIT FIGS. 4, 5, AND 6 – FIGS. 4, 5, AND 6 ARE NOT NEW MATTER**

In the Notice to File Missing Parts of Nonprovisional Application mailed March 20, 2002, it was indicated that FIGS. 4, 5, and 6 appear to have been omitted from the application. It is further stated in the Notice of March 20 that, should the Applicant desire to submit the omitted figures, the Applicant must request and accept the filing date of the omitted figures as the filing date of the application. Because the subject matter of FIGS. 4, 5, and 6, respectively, is not new matter, the Applicant traverses the requirement that the filing date of the omitted figures be accepted as the filing date of the application.

Information contained in any one of the specification, claims, or drawings of an application as filed may be added to any other part of the as-filed application “without introducing new matter.” M.P.E.P. § 2163.06. To establish a disclosure, an applicant may rely not only on the description and drawings as filed, but the applicant may also rely on the original claims if their content justifies it. M.P.E.P. § 608.01(I) and § 608.04. Further, if subject matter capable of illustration is originally claimed, and that subject matter is not shown in the drawings, the claim is not rejected and the applicant is required to add the subject matter to the drawings M.P.E.P. § 706.03(o); see also M.P.E.P. § 2163.06(III). Applicant believes that it is appropriate to enter this subject matter by way of preliminary amendment without loss of filing data.

The subject matter of FIGS. 4, 5, and 6, respectively, is disclosed in claims 1 through 30 of the application as filed. Further, the subject matter of FIG. 4 is described at paragraphs [0018] through [0020] of the as-filed specification. Similarly, the subject matter of FIG. 5 is described at paragraphs [0021] through [0027] of the as-filed specification, whereas the subject matter of FIG. 6 is described at paragraphs [0028] through [0032] of the as-filed specification. Thus, the subject matter of FIGS. 4, 5, and 6, respectively, is not new matter and, because the content of each of these figures is disclosed in the claims and written specification, the Applicant may add this subject matter to the drawings by way of preliminary amendment.

It should be further noted that, in order to comply with M.P.E.P. § 706.03(o), the Applicant is required to add the subject matter of FIGS. 4, 5, and 6 to the disclosure. To comply with M.P.E.P. § 706.03(o), the Applicant is adding FIGS. 4, 5, and 6 to the application by way of a Preliminary Amendment submitted herewith.

### **CONCLUSION**

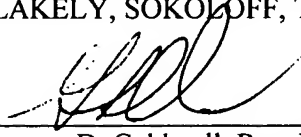
The subject matter of FIGS. 4, 5, and 6, respectively, is not new matter. Therefore, the Applicant provides each of these figures by way of a Preliminary Amendment, submitted concurrently herewith.

If any additional fee is required, please charge Deposit Account No. 02-2666. An extra copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: April 12, 2002

  
\_\_\_\_\_  
Gregory D. Caldwell, Reg. No. 39,926

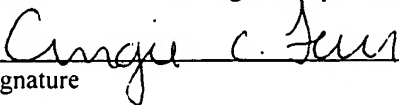
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8598

### **FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C. 20231 on April 12, 2002.

Angie C. Farr

Name of Person Mailing Correspondence

  
\_\_\_\_\_  
Signature

4.12.02

\_\_\_\_\_  
Date



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

Complete if Known

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Application Number	10/017,539
Filing Date	December 12, 2001
First Named Inventor	Edward O. Clapper
Examiner Name	Not Assigned
Group/Art Unit	Not Assigned
Attorney Docket No.	42P13345

**METHOD OF PAYMENT (check one)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number 02-2666

Deposit Account Name Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments
- ☐ Charge any additional fee(s) during the pendency of the application
- ☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

**2. EXTRA CLAIM FEES**

Total Claims 30  
Independent Claims 4  
Multiple Dependent

Extra Claims =  X Fee from below =   
Fee Paid =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple Dependent claim, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*\*or number previously paid, if greater. For Reissues, see below

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920 *	112	920 *	Requesting publication of SIR prior to Examiner action	
113	1,840 *	113	1,840 *	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Kerry D. Tweet	Registration No. (Attorney/Agent)	45,959	Telephone	(503) 684-6200
Signature		Date	04/12/02		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



**COPY OF PAPERS  
ORIGINALLY FILED**

UNITED STATES PATENT AND TRADEMARK OFFICE

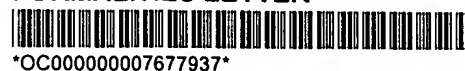
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/017,539	12/12/2001	Edward Clapper	42390P13345

**CONFIRMATION NO. 8103**

08791  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

**FORMALITIES LETTER**



\*OC000000007677937\*

Date Mailed: 03/20/2002

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

**RECEIVED**

**JUL 0 8 2002**

**OFFICE OF PETITIONS**

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **4,5,6**, described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the

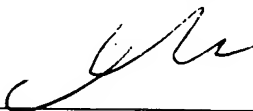
4/23/2002 NMOHAMM1 00000071 10017539

original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE